## UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF PENNSYLVANIA

VICTOR RODRIGUEZ,

v.

No. 04-5942

UNITED STATES OF AMERICA.

## **MEMORANDUM/ORDER**

May 29, 2008.

Petitioner's Memorandum of Law in support of his motion pursuant to 28 U.S.C. § 2255 has inadvertently been filed as a motion in the docket of this action. Civil No. 04-5942, docket # 1. This filing is duplicative of the document filed as docket # 1021 in Criminal No. 98-362-12.

ACCORDINGLY, it is hereby ORDERED that the document filed as a motion in this case, docket # 1, is hereby DISMISSED AS MOOT.

BY THE COURT:

/s/ Louis H. Pollak Pollak, J.